

1                    **DECLARATION OF SERVICE**

2       I hereby declare that I sent a copy/original of the  
3       document on which this declaration appears via  
4       fax/mail/messenger                    service                    to

5       I declare under penalty of perjury of the laws of the  
6       State of Washington that the foregoing is true and  
7       correct.

8       Executed at Seattle, WA on \_\_\_\_\_

9       Signed by \_\_\_\_\_

10                                    **BEFORE THE INSURANCE COMMISSIONER**  
11                                    **OF THE STATE OF WASHINGTON**

12       In the Matter of the Application  
13       regarding the Conversion and  
14       Acquisition of Control of Premera Blue  
15       Cross and its Affiliates.

16                    No. G 02-45

17                    **PREMERA'S AMENDED FIRST SET**  
18                    **OF REQUESTS FOR PRODUCTION**  
19                    **OF DOCUMENTS TO THE HOSPITAL**  
20                    **ASSOCIATIONS**  
21                    **(AND OBJECTIONS AND**  
22                    **RESPONSES THERETO)**

23                    TO:                    The Hospital Associations, an Intervenor Group herein

24                    AND TO:           Its lead attorneys, Michael Madden and Bennett Bigelow &  
25                    Leedom, P.S.

26                    PREMERA and Premera Blue Cross ("Premera") hereby propound the following  
27                    Requests for Production of Documents to the Hospital Associations, an Intervenor Group  
28                    herein.

29                    The requested documents should be produced for inspection and copying within 30  
30                    days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth  
31                    Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be  
32                    determined by agreement with counsel. You should respond to each discovery request in

33                    **PREMERA'S AMENDED FIRST SET OF**  
34                    **REQUESTS FOR PRODUCTION OF DOCUMENTS**  
35                    **TO THE HOSPITAL ASSOCIATIONS (AND**  
36                    **RESPONSES THERETO) - 1**

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38                    PRESTON GATES & ELLIS LLP  
39                    925 FOURTH AVENUE  
40                    SUITE 2900  
41                    SEATTLE, WASHINGTON 98104-1158  
42                    TELEPHONE: (206) 623-7580  
43                    FACSIMILE: (206) 623-7022

1 accordance with the instructions and definitions set forth below. The requests for  
2 production of documents are continuing in nature within the meaning of CR 26.

### 3 INSTRUCTIONS

4 A. If any document is withheld from production on the ground that its  
5 production is privileged due to the attorney-client privilege, work-product rule, or other  
6 legally recognized privilege preventing its disclosure to a requesting party, please state  
7 separately for each such document: (1) the applicable privilege pursuant to which You  
8 claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);  
9 (4) the full name, job title, and employer for each author of the document; (5) the full  
10 name, job title, and employer of each addressee and named recipient of the document; (6)  
11 the full name, job title, and employer of each person who, to Your knowledge, has seen  
12 the document; and (7) in general, the substance of the document.

13 B. In responding to these requests for production, You should provide all  
14 documents that are available to You, including all documents that may be in the  
15 possession of any person for whom You have authority to act in this proceeding, as well  
16 as of Your agents, attorneys, or other persons who are acting under Your direction or on  
17 Your behalf or are otherwise subject to Your control.

18 C. In responding to these requests for production, You should make a diligent  
19 search of Your records and of other papers and materials in Your possession or available  
20 to You. Likewise, You should make a diligent search of the records, papers, and materials  
21 in the possession of any person on behalf of whom You claim to have authority to act in  
22 this proceeding.

### 23 DEFINITIONS

24  
25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 2**

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1 Unless the context clearly indicates otherwise, the following terms and phrases  
2 will be defined and used herein as follows:

3 1. The terms "You" and "Your" mean and include the Hospital Associations,  
4 an Intervenor Group herein, the component organizations thereof (the Washington State  
5 Hospital Association ("WSHA") and the Association of Washington Public Hospital  
6 Districts ("AWPHD")), the member organizations of those component organizations and  
7 their respective staffs, employees, consultants, attorneys, experts, agents, investigators,  
8 officers and directors.

9 2. The terms "the Conversion Application" and the term "the Conversion  
10 Hearing" refer to the matter pending before the Washington State Office of the Insurance  
11 Commissioner, denominated "In the Matter of the Application for Conversion of Premera  
12 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion  
13 Forums" refer to the public hearings that the Insurance Commissioner has planned for  
14 December 2003.

15 3. The term "Intervenor" means any of the petitioning intervenors identified  
16 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance  
17 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified  
18 in said Order.

19 4. The terms "person" and "persons" mean and include all individuals and all  
20 entities of any description, including but not limited to all associations, companies, sole  
21 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,  
22 and parents, as well as all individuals employed or retained by any of the foregoing.

23 5. The terms "document" and "documents" mean and include any kind of  
24 written, typewritten, or printed material whatsoever, any kind of graphic material, and any

25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 3**

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1 computer readable media including, but not limited to, e-mails, papers, agreements,  
2 contracts, notes, applications, memoranda, correspondence, studies, working papers,  
3 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,  
4 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and  
5 printed cards, data sheets, data processing cards, personal calendars, interoffice  
6 memoranda, minutes and records of any sorts of meetings, financial statements, financial  
7 calculations, estimates, reports of telephone or other oral conversations, appointment  
8 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings  
9 of every kind, however produced or reproduced, whether signed or unsigned. The terms  
10 "document" and "documents" include, but without limitation, originals and all file copies  
11 and other copies that are not identical to the original no matter how or by whom prepared,  
12 and all drafts prepared in connection with any documents, whether used or not. If the  
13 original of any document is not in Your possession, custody or control, a copy of that  
14 document should be produced.

15 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,  
16 describing, reflecting, or referring to in any way.

17 7. The singular shall include the plural, the use of the masculine gender shall  
18 include the feminine gender, and vice versa, whenever the context reasonably allows or  
19 requires such construction. "And" and "or" mean "and/or" whenever the context  
20 reasonably allows such construction.

21 DATED this \_\_\_\_ day of October, 2003.

22  
23 PRESTON GATES & ELLIS LLP

24  
25 By \_\_\_\_\_

PREMERA'S **AMENDED** FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (**AND**  
**RESPONSES THERETO**) - 4

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1 Thomas E. Kelly, Jr., WSBA # 05690  
2 Robert B. Mitchell, WSBA # 10874  
3 Attorneys for PREMERA and  
4 Premera Blue Cross  
5

6 **GENERAL OBJECTIONS**  
7

8 The Hospital Associations object to these requests for production insofar as they  
9 purport to impose obligations beyond those required under the Civil Rules.  
10

11 **REQUESTS FOR PRODUCTION**

12 **REQUEST FOR PRODUCTION NO. 1:**

13 For each person whom You expect to call to testify as a consultant or as an expert  
14 witness, for whom You will be submitting pre-filed testimony, or whose opinions you  
15 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion  
16 Forums or for Your position regarding the Conversion Application (hereinafter, an  
17 “Expert” or “Your Expert(s)”), please produce (a) a current resume or curriculum vitae,  
18 (b) a copy of all engagement letters or memoranda regarding the Expert’s engagement; (c)  
19 a statement of the compensation paid and to be paid to the Expert or his company; (d) all  
20 publications authored by the Expert from January 1, 1990 to the date of response to this  
21 Request (hereinafter, “to present”); (e) a list of all matters in which the Expert has, during  
22 the time period from January 1, 1999 to present, either prepared an expert report or  
23 testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition  
24 or live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-  
25 filed testimony, and declarations of the Expert from January 1, 1999 to present; and (g) a  
PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 5

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1 copy of the transcripts of all depositions and testimony of the Expert from January 1, 1999  
2 to present.

3 RESPONSE:

4 The Hospital Associations object to this request insofar as it requires production of  
5 documents that are covered by the attorney-client privilege and work product doctrine.

6 The Hospital Associations also object to the undefined term “engagement” as vague and  
7 ambiguous as to its intended meaning. The Hospital Associations object to the undefined  
8 phrase “publications authored by the Expert” as vague and ambiguous as to its intended  
9 meaning and insofar as it requires production of documents equally accessible to Premera.

10 The Hospital Associations object to the term “matters” as vague and ambiguous as to its  
11 intended meaning. The Hospital Associations object to the phrase “all reports, pre-filed  
12 testimony, and declarations” as vague and ambiguous as to its meaning. Without waiver  
13 of objection, the Hospital Associations will produce non-privileged responsive documents  
14 for inspection and copying within 30 days after the date of service of these Requests or on  
15 a rolling production basis as agreed to by the parties in their Joint Proposal Regarding  
16 Discovery and Hearing Schedule, at § E.2.

17 **REQUEST FOR PRODUCTION NO. 2:**

18 Please produce all final reports, surveys, memo or other papers prepared by, or  
19 under the supervision of, each person whom You expect to call to testify as a consultant or  
20 as an expert witness, for whom You will be submitting pre-filed testimony, or whose  
21 opinions you otherwise intend to present or rely upon for the Conversion Hearing or the  
22 Conversion Forums or for Your position regarding the Conversion Application.

23 ///

24 ///

25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 6**

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1 RESPONSE:

2 The Hospital Associations object to this request to the extent it seeks documents  
3 that are covered by the attorney-client privilege and work product doctrine. Without  
4 waiver of objection, the Hospital Associations will produce non-privileged responsive  
5 documents for inspection and copying within 30 days after the date of service of these  
6 Requests or on a rolling production basis as agreed to by the parties in their Joint Proposal  
7 Regarding Discovery and Hearing Schedule, at § E.2.

8 **REQUEST FOR PRODUCTION NO. 3:**

9 Please produce (a) the resumes of each person whom you expect to call as a non-expert  
10 witness at the Conversion Hearing (hereinafter, a “Non-expert Witness”); (b) all notes,  
11 drafts or other documents prepared by each such Non-expert Witness constituting,  
12 regarding or related to Your position or his/her position regarding the Conversion  
13 Application; and (c) each document that each such Non-expert Witness is expected to  
14 discuss in his/her testimony at the Conversion Hearing.

15 RESPONSE:

16 (a) The Hospital Associations object to this request insofar as it calls for  
17 documents that are covered by the work product doctrine. Without waiver of objection,  
18 the Hospital Associations have made no decisions regarding the lay witnesses it will call.

19 (b) The Hospital Associations object to this request to the extent it seeks  
20 documents that are covered by the attorney-client privilege and work product doctrine.  
21 The Hospital Associations further object to the phrase “Your position or his/her position  
22 regarding the Conversion Application” as vague and ambiguous as to its intended  
23 meaning. The Hospital Associations also object to the scope of this request as overly  
24 broad and burdensome. Without waiver of objection, the Hospital Associations will

25 **PREMERA'S AMENDED FIRST SET OF  
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1 produce non-privileged responsive documents for inspection and copying within 30 days  
2 after the date of service of these Requests or on a rolling production basis as agreed to by  
3 the parties in their Joint Proposal Regarding Discovery and Hearing Schedule, at § E.2.

4 (c) The Hospital Associations object to this request to the extent it seeks  
5 documents that are covered by the attorney-client privilege and work product doctrine.  
6 The Hospital Associations also object to the scope of this request as overly broad and  
7 burdensome. Without waiver of objection, the Hospital Associations will produce non-  
8 privileged responsive documents for inspection and copying within 30 days after the date  
9 of service of these Requests or on a rolling production basis as agreed to by the parties in  
10 their Joint Proposal Regarding Discovery and Hearing Schedule, at § E.2.

11 **REQUEST FOR PRODUCTION NO. 4:**

12 Please produce (a) all drafts of all reports, surveys, memos or other papers  
13 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion  
14 Hearing or the Conversion Forums or for Your position regarding the Conversion  
15 Application; (b) all correspondence, emails, documents or other communication to and  
16 from You and each such Expert regarding the Conversion Application or the Conversion  
17 Hearing or the Conversion Forums, or the drafting or preparation of any such report  
18 surveys, memos or other papers; (c) all correspondence, emails, documents or other  
19 communications within the WSHA regarding the Conversion Application or the  
20 Conversion Hearing or the Conversion Forums; (d) all correspondence, emails, documents  
21 or other communications within the AWPFD regarding the Conversion Application or the  
22 Conversion Hearing or the Conversion Forums; (e) all correspondence, emails, documents  
23 or other communications sent by the WSHA or by the AWPFD to its/their members and  
24 any correspondence, emails, documents or other communications sent to either or both of

25 **PREMERA'S AMENDED FIRST SET OF  
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RESPONSES THERETO) - 8**

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1 them by their respective members regarding the Conversion Application or the  
2 Conversion Hearing or the Conversion Forums; and (e) any other documents of any other  
3 documents regarding or related to the Conversion Application or the Conversion Hearing  
4 or the Conversion Forums.

5 RESPONSE:

6 (a) The Hospital Associations object to this request to the extent it seeks  
7 documents that are covered by the attorney-client privilege and work product doctrine.  
8 Without waiver of objection, the Hospital Associations will produce non-privileged  
9 responsive documents for inspection and copying within 30 days after the date of service  
10 of these Requests or on a rolling production basis as agreed to by the parties in their Joint  
11 Proposal Regarding Discovery and Hearing Schedule, at § E.2.

12 (b) The Hospital Associations object to this request to the extent it seeks  
13 documents that are covered by the attorney-client privilege and work product doctrine.  
14 Without waiver of objection, the Hospital Associations will produce non-privileged  
15 responsive documents for inspection and copying within 30 days after the date of service  
16 of these Requests or on a rolling production basis as agreed to by the parties in their Joint  
17 Proposal Regarding Discovery and Hearing Schedule, at § E.2.

18 (c) The Hospital Associations object to this request to the extent it seeks  
19 documents that are covered by the attorney-client privilege and work product doctrine.  
20 The Hospital Associations further object to this request as it is overly broad and unduly  
21 burdensome and seeks material that is neither relevant to the instant matter nor reasonably  
22 calculated to lead to the discovery of admissible evidence. Without waiver of objection,  
23 the Hospital Associations will produce non-privileged responsive documents for  
24 inspection and copying within 30 days after the date of service of these Requests or on a

25 **PREMERA'S AMENDED FIRST SET OF  
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RESPONSES THERETO) - 9**

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1 rolling production basis as agreed to by the parties in their Joint Proposal Regarding  
2 Discovery and Hearing Schedule, at § E.2.

3 (d) The Hospital Associations object to this request to the extent it seeks  
4 documents that are covered by the attorney-client privilege and work product doctrine.  
5 The Hospital Associations further object to this request as it is overly broad and unduly  
6 burdensome and seeks material that is neither relevant to the instant matter nor reasonably  
7 calculated to lead to the discovery of admissible evidence. Without waiver of objection,  
8 the Hospital Associations will produce non-privileged responsive documents for  
9 inspection and copying within 30 days after the date of service of these Requests or on a  
10 rolling production basis as agreed to by the parties in their Joint Proposal Regarding  
11 Discovery and Hearing Schedule, at § E.2.

12 (e) The Hospital Associations object that this request is vague, ambiguous, and  
13 unintelligible.

14 **REQUEST FOR PRODUCTION NO. 5:**

15 Please produce all correspondence, emails, documents or other communication to  
16 and from You and: (a) any of the officers, directors, employees, agents or lobbyists of the  
17 Intervenors or of the other Intervenor Groups, or any of the attorneys for any of the  
18 Intervenors or the other Intervenor Groups, or any of the consultants or experts for any of  
19 the Intervenors or the other Intervenor Groups or their attorneys; (b) anyone on the OIC  
20 Staff or any of the OIC Staff's consultants, or (c) anyone on the State of Alaska Division  
21 of Insurance staff or any of that staff's consultants.

22 This request includes, but is not limited to, any correspondence, emails, documents  
23 or other communications between any officer, director, employee, attorney, agent or  
24 lobbyist of the Washington State Medical Association and any officer, director, employee,

25 **PREMERA'S AMENDED FIRST SET OF  
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RESPONSES THERETO) - 10**

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1 attorney, agent or lobbyist of the WSHA or of the AWPHD. It also includes any such  
2 correspondence, emails, documents or other communications between or among any  
3 officer, director, employee, attorney, agent or lobbyist of the WSHA and any officer,  
4 director, employee, attorney, agent or lobbyist of the AWPHD.

5 RESPONSE:

6 The Hospital Associations object to this request to the extent it seeks documents  
7 that are covered by the attorney-client privilege, joint interest privilege, and work product  
8 doctrine. The Hospital Associations further object to this request as it is overly broad and  
9 unduly burdensome and seeks material that is neither relevant to the instant matter nor  
10 reasonably calculated to lead to the discovery of admissible evidence. Without waiver of  
11 objection, the Hospital Associations will produce non-privileged responsive documents  
12 for inspection and copying within 30 days after the date of service of these Requests or on  
13 a rolling production basis as agreed to by the parties in their Joint Proposal Regarding  
14 Discovery and Hearing Schedule, at § E.2.

15 **REQUEST FOR PRODUCTION NO. 6:**

16 As set forth in the Commissioner's Fourth Order, the Hospital Associations were  
17 to "represent their interests surrounding the problem of uncompensated care its members  
18 are obligated to cover when insurance is not available."

19 Please produce all documents -- other than those produced by Premera to the OIC  
20 Staff -- in Your possession or under Your control that constitute, reflect or refer to "the  
21 problem of uncompensated care your members are obligated to cover when insurance is  
22 not available."

23 The documents to be produced should include, but not be limited to, all those  
24 regarding the future problem of uncompensated care, whether or not Premera is authorized

25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 11**

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1 to convert (e.g., comparisons of the future amounts of uncompensated care under  
2 conversion and non-conversion scenarios).

3 RESPONSE:

4 The Hospital Associations object to this request insofar as the characterization of  
5 the Commissioner's Fourth Order in this request, insofar as that characterization implies  
6 that the Hospital Associations may only present expert and non-expert evidence related to  
7 the issue of the problem of uncompensated care the Associations' members are obligated  
8 to cover when insurance is not available. The Hospital Associations further object to this  
9 request as it is overly broad, vague, and unduly burdensome. Without waiver of  
10 objection, the Hospital Associations will produce non-privileged responsive documents  
11 within their possession, custody or control, and that are not equally accessible to Premera,  
12 for inspection and copying within 30 days after the date of service of these Requests or on  
13 a rolling production basis as agreed to by the parties in their Joint Proposal Regarding  
14 Discovery and Hearing Schedule, at § E.2.

15 **REQUEST FOR PRODUCTION NO. 7:**

16 Please produce all documents -- other than those produced by Premera to the OIC  
17 Staff -- in Your possession or under Your control that constitute, reflect or refer to any  
18 data, from January 1, 1999 to present, as to (1) the amount of uncompensated care that one  
19 or more hospitals were obligated to cover when insurance was not available and (2) the  
20 amount of the reserves that any hospital booked in regard to any uncompensated care.

21 RESPONSE:

22 The Hospital Associations object to this request to the extent it implies that that the  
23 Hospital Associations may only present expert and non-expert evidence related to the  
24 issue of the problem of uncompensated care the Associations' members are obligated to

25 **PREMERA'S AMENDED FIRST SET OF  
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1 cover when insurance is not available. Because Premera initially submitted its Form A on  
2 September 17, 2002, the Hospital Associations also object to the temporal scope of this  
3 request as not limited to time periods relevant to this proceeding and overly broad and  
4 unduly burdensome. The Hospital Associations further object to the undefined term  
5 “booked” as vague and ambiguous as to its intended meaning. Without waiver of  
6 objection, the Hospital Associations will produce non-privileged responsive documents  
7 for inspection and copying within 30 days after the date of service of these Requests or on  
8 a rolling production basis as agreed to by the parties in their Joint Proposal Regarding  
9 Discovery and Hearing Schedule, at § E.2.

10 **REQUEST FOR PRODUCTION NO. 8:**

11 Please produce all documents -- other than those produced by Premera to the OIC  
12 Staff -- in Your possession or under Your control that constitute, reflect or refer to any  
13 data, from January 1, 1999 to present, for each of the hospitals that are members of the  
14 WSHA or of the AWPFD regarding each hospital’s: (1) revenues; (2) operating income;  
15 (3) operating margin; and (4) amounts attributed to uncompensated care that the hospital  
16 was obligated to cover when insurance is not available.

17 The documents to be produced should include, but not be limited to, the following  
18 for each hospital: (1) annual budget; (2) annual audited financial statements; (3) reports  
19 from the hospital’s certified public accountants; (4) reports from the hospital’s internal  
20 auditor; (5) reports, memos, emails or other communications to the hospital’s Board of  
21 Directors or Trustees and/or to its Audit Committee; (6) the minutes and board books of  
22 the hospital’s Board of Directors or Trustees; (7) all memos, emails and other documents  
23 to and from its executives; and (8) all documents regarding the tax treatment by the  
24 hospital of any amounts attributed to uncompensated care.

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1 RESPONSE:

2 The Hospital Associations object to this request to the extent it implies that that the  
3 Hospital Associations may only present expert and non-expert evidence related to the  
4 issue of the problem of uncompensated care the Associations' members are obligated to  
5 cover when insurance is not available. The Hospital Associations further object to the  
6 temporal scope of this request as not limited to time periods relevant to this proceeding  
7 and overly broad and unduly burdensome. The Hospital Associations also object insofar  
8 as this request calls for the production of materials not within the possession, custody, or  
9 control of the Hospital Associations. Without waiver of objection, the Hospital  
10 Associations will produce non-privileged responsive documents within their possession,  
11 custody, or control for inspection and copying within 30 days after the date of service of  
12 these Requests or on a rolling production basis as agreed to by the parties in their Joint  
13 Proposal Regarding Discovery and Hearing Schedule, at § E.2.

14 **REQUEST FOR PRODUCTION NO. 9:**

15 Please produce all documents -- other than those produced by Premera to the OIC  
16 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from  
17 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,  
18 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other  
19 document, data or information prepared by or provided to any of Your members, officers,  
20 directors, employees, attorneys, agents, or lobbyists, regarding the response to, or plan  
21 regarding, or reaction to: (a) Premera's conversion from a non-profit to a for-profit  
22 company or (b) the amount of uncompensated care that one or more hospitals would be  
23 obligated to cover when insurance was not available, if Premera converts from a non-  
24 profit to a for-profit company.

25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 14**

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1 RESPONSE:

2 The Hospital Associations object to this request to the extent it seeks documents  
3 that are covered by the attorney-client privilege and work product doctrine. The Hospital  
4 Associations further object to this request as it is overly broad, unduly burdensome, and  
5 duplicative, and seeks material that is neither relevant to the instant matter nor reasonably  
6 calculated to lead to the discovery of admissible evidence. Without waiver of objection,  
7 the Hospital Associations will produce non-privileged responsive documents within its  
8 possession, custody, or control for inspection and copying within 30 days after the date of  
9 service of these Requests or on a rolling production basis as agreed to by the parties in  
10 their Joint Proposal Regarding Discovery and Hearing Schedule, at § E.2.

11 **REQUEST FOR PRODUCTION NO. 10:**

12 Please produce all documents -- other than those produced by Premera to the OIC  
13 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from  
14 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,  
15 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other  
16 document, data or information prepared by or provided to any of Your members, officers,  
17 directors, employees, attorneys, agents, or lobbyists, regarding: (a) any claim or allegation  
18 regarding Premera having any market power<sup>1</sup> in regard to charging above-competitive  
19 premiums to its insured in (i) the State of Washington or any county therein and/or (ii)  
20 Eastern Washington (east of the Cascade Mountains) or in any county in Eastern  
21 Washington and/or (iii) Western Washington (west of the Cascade Mountains) or in any  
22 county in Western Washington; (b) any claim or allegation regarding Regence Blue Shield

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23 <sup>1</sup> For purpose of this Document Request, “market power” is defined as the ability to  
24 control prices and exclude competition.

1 having any market power in regard to profitably charging above-competitive premiums to  
2 its insured in (i) Washington or any county therein and/or (ii) Eastern Washington or in  
3 any county therein an/or (iii) Western Washington or any county therein; (c) any claim or  
4 allegation regarding Premera having any market power in regard to profitably offering  
5 below-competitive reimbursements to its health care providers in (i) Washington or any  
6 county therein and/or (ii) Eastern Washington or any county therein and/or (iii) Western  
7 Washington or any county therein; (d) any claim or allegation regarding Regence Blue  
8 Shield having any market power in regard to profitably offering below-competitive  
9 reimbursements to its health care providers in (i) Washington or any county therein and/or  
10 (ii) Eastern Washington or in any county therein an/or (iii) Western Washington or any  
11 county therein; (e) any hospital(s) in Eastern Washington or in any county in Eastern  
12 Washington having any market power in regard to profitably obtaining above-competitive  
13 reimbursements from health care insurers; or (f) any physician(s) or physician group(s) in  
14 (i) Washington or any county therein and/or (ii) Eastern Washington or in any county  
15 therein an/or (iii) Western Washington or any county therein having any market power in  
16 regard to profitably obtaining above-competitive reimbursements from health care  
17 insurers.

18 RESPONSE:

19 The Hospital Associations object to the temporal scope of this request as not  
20 limited to time periods relevant to this proceeding and overly broad and unduly  
21 burdensome. The Hospital Associations also object to the term “Premera” as it is used in  
22 this request, as it is vague and ambiguous as to its intended meaning. The Hospital  
23 Associations further object that insofar as this request seeks material regarding entities  
24 other than Premera, it seeks material that is neither relevant to the instant matter nor

25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 16**

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1 reasonably calculated to lead to the discovery of admissible evidence. Without waiver of  
2 objection, the Hospital Associations will produce non-privileged responsive documents  
3 for inspection and copying within 30 days after the date of service of these Requests or on  
4 a rolling production basis as agreed to by the parties in their Joint Proposal Regarding  
5 Discovery and Hearing Schedule, at § E.2.

6 **REQUEST FOR PRODUCTION NO. 11:**

7 For the period January 1, 1999 to present, and for each hospital that is a member of  
8 the WSHA or AWPFD, please produce all contracts between each hospitals and the  
9 carrier(s) with which it has or had a contract.

10 **RESPONSE:**

11 The Hospital Associations object to the temporal scope of this request as not  
12 limited to time periods relevant to this proceeding and overly broad and unduly  
13 burdensome. The Hospital Associations further object to the undefined terms “contract”  
14 and “carrier(s)” as vague and ambiguous as to their intended meaning. The Hospital  
15 Associations also object to this request as calling for information not within its possession,  
16 custody or control. Without waiver of objection, the Hospital Associations will produce  
17 non-privileged responsive documents for inspection and copying within 30 days after the  
18 date of service of these Requests or on a rolling production basis as agreed to by the  
19 parties in their Joint Proposal Regarding Discovery and Hearing Schedule, at § E.2.

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25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 17**

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RESPONSES DATED this 5<sup>th</sup> day of November, 2003.

Bennett Bigelow & Leedom, P.S.

By: \_\_\_\_\_  
Michael Madden, WSBA No. 8747  
Lead Attorneys for the Hospital  
Associations, an Intervenor Group herein

ATTORNEY CERTIFICATION

The undersigned attorney for the Hospital Associations has read the foregoing Document Requests and the Hospital Associations' Responses thereto, and hereby certifies that each of the Responses are in compliance with CR 26(g).

DATED this 4<sup>th</sup> day of November, 2003.

Bennett Bigelow & Leedom, P.S.

By: \_\_\_\_\_  
Michael Madden, WSBA No. 8747  
Lead Attorneys for the Hospital Associations

PREMERA'S **AMENDED** FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (**AND  
RESPONSES THERETO**) - 18

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925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1 VERIFICATION DECLARATION

2 I, \_\_\_\_\_, make the following declaration under penalty of  
3 perjury:

4 I am a representative of the Hospital Associations, an Intervenor Group herein, and  
5 have been authorized by it to sign this Verification Declaration. I have read the foregoing  
6 Requests for Production and the Hospital Associations' Responses thereto, know the  
7 contents thereof, and state that those Responses are true and correct.

8 The Hospital Associations have produced all responsive documents for inspection  
9 and copying.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed this \_\_\_\_ day of November, 2003, at Seattle, Washington.

12  
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15 [Print name] \_\_\_\_\_  
16 [Title] \_\_\_\_\_  
17 Authorized Representative of the Hospital  
Associations

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25 **PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS (AND  
RESPONSES THERETO) - 19**

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